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SAWYER LAW GROUP LLP
P.O. Box 51418
Palo Alto, CA 94303

EXAMINER

BASHORE, WILLIAM L

ART UNIT PAPER NUMBER

2176

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/728,250

Applicant(s)

HENDRICKSON ET AL.

Examiner

William L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-13,15-24,26-41 and 43-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34-37 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-13,15-24,26-33,38-41 and 43-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. This action is responsive to communications: amendment filed 6/23/2005, to the original application filed 11/30/2000.
2. Claims 1-2, 4-13, 15-24, 26-41, 43-46 pending. Claims 34-37 remain allowed. Claims 3, 14, 25, 42 have been canceled. Claims 1, 12, 23, 34, 38, 44, 45, 46 are independent claims.

Allowable Subject Matter

3. **Claims 34-37** remain allowed.

Claim Rejections - 35 USC § 101

4. **35 U.S.C. 101 reads as follows:**

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. **The claimed invention (as claimed in claims 12-13, 14-22, 45) remains directed to non-statutory subject matter.**

In regard to independent claims 12, 45, each of said claims recite “*A computer-readable medium containing program instructions for allowing a user to...*”. It is noted that said recitation should be directed to instructions tangibly embodied in a manner so as to be executable for its intended purpose, therefore said claims are directed to non-statutory subject matter. The examiner’s suggestion of amending each of claims 12, 45 to recite “*A computer-readable medium having instructions tangibly embodied thereon, the execution of which causes said computer to perform the steps of allowing a user to...*” will serve to overcome this rejection.

In regard to dependent claims 13, 15-22, claims 13, 15-22 are rejected for fully incorporating the deficiencies of their respective base claims.

Examiner's Note

6. The following rejections are based upon a possible interpretation of claims 12-22, and 45 as incorporating the examiner's suggestion as set forth above (see paragraph 5).

Claim Rejections - 35 USC § 103

7. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-33, 38-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over The Right Resume (hereinafter Right Resume), February 19, 1999 by Whirlwind Technologies, downloaded from <www.winsite.com>, help file and program screenshots pages 1-44, in view of BrightRays.com web site (hereinafter BrightRays), pages 1-5 downloaded from <http://brightrays.com/web_res2.htm> on February 8, 2005, with verified date of November 17, 1999, and in view of Stylesheet Cookbook, by Steve Knoblock (hereinafter Knoblock), web site, pages 1-12 downloaded from <http://home.att.net/~knoblock/cookbook/tutorial/index.html> on February 8, 2005, with verified date of October 2, 1999, and in view of Nadkarni (hereinafter Nadkarni), U.S. Patent No. 6,266,659 issued July 2001.**

In regard to independent claim 1, Right Resume teaches creation of a resume utilizing different styles. Right Resume collects relevant user inputted data and initially stores said data as a data file (resume.dat) (see Right Resume page 5 items 2-4, it is noted that a user does not have to fill in all sections, since user data will propagate to other sections/styles accordingly as needed). A user then chooses a particular style (Chronological, Functional, or Targeted), to which the constraints and parameters of the chosen style is applied to the user data (file) to form a final displayed resume, the user can dynamically change to another style as needed (see also Right Resume page 5 item 5, also pages 24-33).

Right Resume does not specifically teach its program to be used online via a guided resume creation system. In addition, although Right Resume does teach a "Contact Manager" database for storage of employer contact information, etc. (Right Resume pages 20-21, 39), said database does not deal with the actual resume data itself. However, BrightRays teaches an online Web resume creation method comprising directions for guiding/prompting a user to input various information, said information used to create a viewable online HTML resume to be indexed in a database, said indexing involving direct association with a database and resume user data (i.e. required inputted keywords for <META> tag inclusion, and searching) (BrightRays pages 1-3, see also page 4) (compare the above paragraphs with claim 1 "*A method for allowing a user to dynamically change the style.....input of the data, the method comprising the steps of:*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply BrightRays to Right Resume, providing Right Resume the benefit of an online (Web/HTML) resume creation method for greater user convenience (i.e. at a lab, or kiosk where all that is required is an Internet connection and browser for viewing/printing, etc.). Bright Rays would also provide Right Resume the benefit of extending its database to hold and index user content/design data, for more efficient indexing, processing, and searching.

Right Resume teaches three resume styles for user selection (Chronological, Functional, or Targeted), each style described accordingly (Right Resume page 5 item 1, pages 35-38). Each resume style contains its own ordering, as well as distinct layout formatting parameters, positions, etc. (i.e. margins, fonts, justification)

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to be applied to the entire resume (see Right Resume page 27 bottom, to page 34). Right Resume does not specifically teach each said style having a corresponding style sheet. However, Knoblock teaches a “Stylesheet Cookbook” for attaching a stylesheet to an HTML resume, resulting in a customized resume (headings are italicized, color changes, etc.) (Knoblock pages 2-5). Knoblock’s stylesheet defines various rules defining layout parameters, basic style, etc. (Knoblock page 7 (especially at arrow), to page 10, see also page 11 bottom half). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Knoblock to Right Resume, providing Right Resume the benefit of a stylesheet(s) assigned to each resume style for defining each said style (as well as any user customizations), fostering efficiency by separation of resume text content with a customizable design schema (see Knoblock page 11 – bottom paragraph) (compare with claim 1 “*displaying a plurality of resume styles for user selection....the resume style of fields of data from the database;*”).

Right Resume teaches collecting data from a user (Right Resume page 5 items 3, 4, pages 24-25; compare with claim 1 “*collecting data from a user*”).

Although Right Resume teaches a “Contact Manager” database for storage of employer contact information, etc. (Right Resume pages 20-21, 39), said database does not deal with the actual mapping of resume data itself. However, Nadkarni teaches an online segmentation of a Web resume comprising database fields pertaining to employment criteria (Nadkarni column 2 lines 10-67, especially lines 10-17, 27-35, 42-59). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Nadkarni to Right Resume, providing Right Resume the benefit of extending its database to hold/index/map user content/design data, for more efficient indexing, processing, and searching.

Right Resume teaches user selection of a resume style (Chronological, Functional, or Targeted) (Right Resume page 5 item 5, pages 27, 29, 31; compare with claim 1 “*prompting the user to select one resume style from the plurality of resume styles;*”).

Right Resume teaches automatic creation of a (.dat) data file (subsequent to user selecting “File/Save). Right Resume will also prompt a user for saving at termination of the program, if said user has not saved data

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already. At some point, Right Resume also automatically creates two more data files, "Resume.__2", and "Resume.__3" (see Right Resume pages 40-44) (compare with claim 1 "*automatically creating a file from the user data;*").

Right Resume teaches application of a specific style layout pattern and order (along with an assigned stylesheet, as explained above) to the user files (mainly Resume.dat, and to a lesser extent "Resume.__2", and "Resume.__3") to transform the user data file into a printable resume file which can be saved as .rsm, .rtf, ASCII, or as HTML (as explained above), for eventual online viewing, printing, etc. (Right Resume page 5 item 9, pages 28, 30, 32-34) (compare with claim 1 "*applying the style sheet corresponding to the selected resume to the file to transform the file into a resume file that is viewable online and printable.*").

In regard to dependent claim 2, Right Resume teaches a user returning to the Designer Screen after generation of each resume, facilitating repeat generation of different styles applied to the same data file, until said user finalizes (i.e. saves) his/her resume (Right Resume page 5 item 10, also page 13 item "Return To Designer Screen").

In regard to dependent claims 4, 5, 6, Right Resume teaches that a user can make editing modifications to a generated (displayed) resume as needed (each displayed resume is the result of being optionally generated) (Right Resume page 5 item 6, page 28).

In regard to dependent claims 7, 8, Right Resume does not specifically teach its program to be stored as an HTML Web page on the Internet. However, BrightRays teaches an online Web resume creation method comprising directions for guiding/prompting a user to input various information, said information used to create a viewable online HTML resume to be indexed in a database (accessible on the Web) (BrightRays pages 1-3, see also pages 4, 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply BrightRays to Right Resume, providing Right Resume the benefit of creation/storage of an online

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(Web/HTML) resume (in HTML format) for greater user convenience (i.e. at a lab, or kiosk where all that is required is an Internet connection and browser for creating/viewing/printing, and storing a resume).

In regard to dependent claims 9, 10, Right Resume does not specifically teach utilization of XML and stylesheets in XSL. However, Knoblock teaches that its stylesheet method can be applied to any stylesheet language such as XSL (Knoblock page 1 – top paragraph) (it is well established that XSL is a stylesheet language specifically intended for use with XML). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Knoblock's XML/XSL to Right Resume's data file generation, providing the benefits of an extensible markup paradigm to a user's generated resume.

In regard to dependent claim 11, Right Resume teaches a resume type Description option, which describes sections of all three resume types, as well as indication of placement order, emphasis, etc. (Right Resume pages 35-38). Right Resume also teaches the general order of sections to be displayed in each resume style, within its selection menu (see Right Resume page 24 at top, also page 26).

In regard to independent claim 12, claim 12 reflects the computer program product (having instructions tangibly embodied thereon) comprising computer executable instructions used for performing the methods as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claims 13, 15-22, claims 13, 15-22 reflect the computer program product (having instructions tangibly embodied thereon) comprising computer executable instructions used for performing the methods as claimed in claims 2, 4-11, respectively, and are rejected along the same rationale.

In regard to independent claim 23, claim 23 reflects the system comprising computer executable instructions used for performing the methods as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Right Resume teaches “*a user interface*” (Right Resume page 24).

In regard to dependent claims 24, 26-33, claims 24, 26-33 reflect the system comprising computer executable instructions used for performing the methods as claimed in claims 2, 7, 9, 10, 8, 11, respectively, and are rejected along the same rationale.

In regard to independent claim 38, claim 38 incorporates substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Right Resume teaches custom settings to be adjusted by a user, if necessary, allowing format customization of each resume style (said custom settings persist until changed again by a user) (Right Resume page 12, also represented on page 27, 29, 31, as item “Options”; compare with claim 38 “*customizing a style...*”, and “*custom settings...*”).

In regard to dependent claim 39, Right Resume teaches a “Resume Options” window for customizing the appearance of displayed resumes (Right Resume page 12, also represented on page 27, 29, 31, as item “Options”). The items within said Resume Options reflect common elements/components (i.e. Separator Line, List Type), the customization of which changes a resume appearance.

In regard to dependent claim 40, Right Resume teaches a “Resume Options” window for customizing the appearance of displayed resumes (Right Resume page 12, also represented on page 27, 29, 31, as item “Options”). The items within said Resume Options reflect common elements/components (i.e. Separator Line, List Type), the customization of which changes a resume appearance.

Although Right Resume teaches Font type and Font size as options in said window, said window does not include line spacing. However, since Right Resume's word processor contains many adjustable parameters (i.e. font selection/size, as well as adjustable line spacing, see Right Resume page 17) for use with generated resumes, it would have been obvious to one of ordinary skill in the art at the time of the invention to add the customizations of page 17 (i.e. line spacing) to Right Resume's window, providing a user of Right Resume the benefit of customizing a resume style for future sets of resumes (instead of separately altering each generated resume). Various institutions may require multiple resumes in double space type, etc.

In regard to dependent claim 41, Right Resume teaches a user returning to the Designer Screen after generation of each resume, facilitating repeat generation of different styles applied to the same data file, until said user finalizes (i.e. saves) his/her resume (Right Resume page 5 item 10, also page 13 item "Return To Designer Screen").

In regard to dependent claim 43, Right Resume does not specifically teach its program to be stored as an HTML Web page on the Internet. However, BrightRays teaches an online Web resume creation method comprising directions for guiding/prompting a user to input various information, said information used to create a viewable online HTML resume to be indexed in a database (accessible on the Web) (BrightRays pages 1-3, see also pages 4, 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply BrightRays to Right Resume, providing Right Resume the benefit of creation/storage of an online (Web/HTML) resume (in HTML format) for greater user convenience (i.e. at a lab, or kiosk where all that is required is an Internet connection and browser for creating/viewing/printing, and storing a resume).

9. **Claims 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Right Resume, in view of BrightRays, and in view of Nadkarni.**

In regard to independent claim 44, Right Resume teaches creation of a resume utilizing different styles. Right Resume collects relevant user inputted data and initially stores said data as a data file (resume.dat) (see Right Resume page 5 items 2-4, it is noted that a user does not have to fill in all sections, since user data will propagate to other sections/styles accordingly as needed). A user then chooses a particular style (Chronological, Functional, or Targeted), to which the constraints and parameters of the chosen style is applied to the user data (file) to form a final displayed resume, the user can dynamically change to another style as needed (see also Right Resume page 5 item 5, also pages 24-33).

Right Resume does not specifically teach its program to be used online via a guided resume creation system. However, BrightRays teaches an online Web resume creation method comprising directions for guiding/prompting a user to input various information, said information used to create a viewable and storable online HTML resume (BrightRays pages 1-3, see also pages 4, 5) (compare the above paragraphs with claim 44 *"A method for allowing a user to dynamically change the style.....input of data, the method comprising the steps of:"*). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply BrightRays to Right Resume, providing Right Resume the benefit of an online (Web/HTML) resume creation method for greater user convenience (i.e. at a lab, or kiosk where all that is required is an Internet connection and browser for viewing/printing, etc.).

Right Resume teaches three resume styles for user selection (Chronological, Functional, or Targeted), each style described accordingly (Right Resume page 5 item 1, pages 35-38). Each resume style contains its own ordering, as well as distinct layout formatting parameters, positions, etc. (i.e. margins, fonts, justification) to be applied to the entire resume (see Right Resume page 27 bottom, to page 34) (compare with claim 44 *"displaying a plurality of resume styles for user selection....font size and text justification,"*).

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Right Resume teaches collecting data from a user (Right Resume page 5 items 3, 4, pages 24-25; compare with claim 44 “*collecting data from a user*”).

Although Right Resume teaches a “Contact Manager” database for storage of employer contact information, etc. (Right Resume pages 20-21, 39), said database does not deal with the actual mapping of resume data itself. However, Nadkarni teaches an online segmentation of a Web resume comprising database fields pertaining to employment criteria (Nadkarni column 2 lines 10-67, especially lines 10-17, 27-35, 42-59). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Nadkarni to Right Resume, providing Right Resume the benefit of extending its database to hold/index/map user content/design data, for more efficient indexing, processing, and searching.

Right Resume teaches user selection of a resume style (Chronological, Functional, or Targeted) (Right Resume page 5 item 5, pages 27, 29, 31; compare with claim 44 “*prompting the user to select one resume style from the plurality of resume styles;*”).

Right Resume teaches automatic creation of a (.dat) data file (subsequent to user selecting “File/Save). Right Resume will also prompt a user for saving at termination of the program, if said user has not saved data already. At some point, Right Resume also automatically creates two more data files, “Resume.__2”, and “Resume.__3” (see Right Resume pages 40-44) (compare with claim 44 “*automatically creating a file from the user data;*”).

Right Resume teaches application of a specific style layout pattern and order to the user files (mainly Resume.dat, and to a lesser extent “Resume.__2”, and “Resume.__3”) to transform the user data file into a printable resume file which can be saved as .rsm, .rtf, ASCII, or as HTML (as explained above), for eventual online viewing, printing, etc. (Right Resume page 5 item 9, pages 28, 30, 32-34) (compare with claim 44 “*transforming the file into a resume file formatted in the selected resume style that is viewable online and printable.*”).

Right Resume teaches a user returning to the Designer Screen after generation of each resume, facilitating repeat generation of different styles applied to the same data file, until said user finalizes (i.e. saves)

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his/her resume (Right Resume page 5 item 10, also page 13 item "Return To Designer Screen"; compare with claim 44 "*repeating steps....apply different styles t the resume file.*").

In regard to independent claim 45, claim 45 reflects the computer program product (having instructions tangibly embodied thereon) comprising computer executable instructions used for performing the methods as claimed in claim 44, and is rejected along the same rationale.

In regard to independent claim 46, claim 46 reflects the system comprising computer executable instructions used for performing the methods as claimed in claim 44, and in further view of the following, is rejected along the same rationale.

Right Resume teaches "*a user interface*" (Right Resume page 24).

Response to Arguments

10. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues on page 19 of the amendment that motivation is lacking regarding the combination of references. It is respectfully noted that The Right Resume (as applied to the instant rejections) teaches dynamically changing the style of a user's resume.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


WILLIAM BASHORE
PRIMARY EXAMINER

September 16, 2005